

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Mr. & Mrs. N., Individually and
as Parents of T.N.

v.

Civil No. 10-cv-373-JL

North Hampton School District,
Karen Frisbie, Peter Sweet, and
Jeanne Kincaid

PROCEDURAL ORDER

This court has undertaken active consideration of the defendants' pending motions to dismiss or remand and has scheduled oral argument for June 30, 2011. To assist the court in preparing for oral argument, the parties shall submit supplemental briefs on the following two issues by **June 28, 2011:**

- whether plaintiffs' claim under the Individuals with Disabilities Education Act (count 1) is moot and, if not, what relief could be awarded to plaintiffs if they proved that claim (citing examples of analogous cases, if any, in which such relief has been awarded); and
- whether plaintiffs' retaliation claims under the Rehabilitation Act (count 2) and 42 U.S.C. § 1983 (count 3) fail to state a claim, see Fed. R. Civ. P. 12(b)(6), because the alleged retaliatory acts were *de minimis* or not materially adverse to plaintiffs.

The supplemental briefs shall be limited to 15 pages each, excluding exhibits (if any). The parties need not address issues or reiterate arguments that have already been addressed or made in their briefing to date.

If the parties wish to extend the deadline for filing the supplemental briefs, they need only notify this court of an agreed-upon extension (or, if an agreement cannot be reached,

either party may move this court for an extension). In the event of an extension, oral argument would also be postponed until after the briefing deadline.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: June 21, 2011

cc: Jennifer A. Eber, Esq.
Richard L. O'Meara, Esq.
Alison M. Minutelli, Esq.
Dean B. Eggert, Esq.
Melissa A. Hewey, Esq.